

4. The events in the State Court Action are alleged to have occurred in Huntington County, Indiana. Pursuant to 28 U.S.C. § 1441(a), the Northern District of Indiana, Fort Wayne Division, is the appropriate forum for removal of the State Court Action.

5. Plaintiff's complaint alleges violations of the Fair Labor Standards Act ("FLSA") and the Americans with Disabilities Act ("ADA"). This Court has original jurisdiction over FLSA and ADA claims pursuant to 28 U.S.C. § 1331.

6. Plaintiff's complaint also alleges that he was terminated in retaliation for filing a worker's compensation claim in violation of Indiana law. This court has supplemental jurisdiction over state law retaliation claims pursuant to 28 U.S.C. § 1367.

7. Pursuant to 28 U.S.C. § 1446(d), written notice of this removal of the State Court Action has been given to counsel for Plaintiff and a State Court Notice of Removal has been simultaneously filed in Huntington County Superior Court.

WHEREFORE, Defendant H & H Disposal, LLC respectfully requests that the Court assume jurisdiction over this case in accordance with 28 U.S.C. §§ 1331.

Respectfully submitted,

/s/ Scott James Preston

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 15, 2019, a true and accurate copy of the foregoing *Notice of Removal* was filed electronically with the Court. Notice of this filing will be sent to the following by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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